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ABSTRACT

Sexual abuse of children in the United States is far more pervasive than most educators realize, with studies estimating up to 500,000 annual occurrences. This revised resource and planning guide for Wisconsin schools should help districts deal with sexual abuse on school premises and suspicion of this behavior off campus. While the guide cannot cover every conceivable situation, it provides resources for inservice training, along with suggestions for curricula, prevention programs, and interviewing techniques. Part 1 defines the problem and provides samples of current Wisconsin prevention and intervention programs. Part 2 outlines recommendations for developing a school board policy and a model policy. The third and fourth parts describe sexual abuse indicators and appropriate response systems for various age groups. The fifth section outlines techniques for interviewing abused children and their parents, while the sixth section focuses on community networking and linkages, including names and addresses of local, regional, and national resources. Seven appendices list prevention projects in Wisconsin school districts, curriculum resources, national prevention programs, training resources, a bibliography with over 50 references, films and filmstrips, and legal references for Wisconsin. (MLH)

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A RESOURCE AND PLANNING GUIDE

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EA 019 203

Wisconsin Department of Public Instruction
Herbert J. Grover, State Superintendent

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Dealing with Child Sexual Assault and Abuse:

A Resource and Planning Guide

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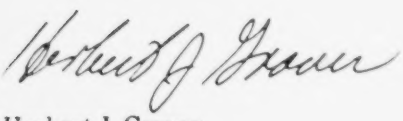
Foreword

Two years ago the Department of Public Instruction developed a guide to help educators deal with the serious problem of child sexual abuse and assault. It was so well received that we have updated and expanded it in the form of this publication, *Dealing with Child Sexual Assault and Abuse: A Resource and Planning Guide.*

I am pleased that the DPI is responding to the crisis with this publication which identifies numerous resources for educators to use in dealing with this serious problem.

Over the past 10 years, the DPI has sponsored conferences and collaborated with other concerned agencies and institutions to underscore a deep concern and to make a commitment to do something about stopping the abuse of children.

I pledge to work with you in your efforts to bring an end to this social tragedy.



Herbert J. Grover
State Superintendent
Madison, Wisconsin
June 1986

Statement of Purpose

This guide is a revision and expansion of a publication developed in 1984 by the Wisconsin Department of Public Instruction. It is a response to growing concerns about child sexual abuse expressed by the department, the Wisconsin Legislative Council's Special Committee on Sexual Assault and Abuse, and local school districts.

This guide is intended to help schools deal with the sexual abuse of children and its occurrence within the school setting. It deals as well with the suspicion of sexual abuse outside the school setting. It provides resources for inservice training as well as suggestions for curriculums, prevention programs, and interviewing techniques.

Many school districts already have policies on child abuse and neglect. These should be dovetailed with policies relating to child sexual abuse. Child sexual abuse is highlighted now as the result of an increased awareness of the incidence rates and the special problems created for those subjected to such abuse. Moreover, the issues surrounding child sexual abuse are different from those surrounding adult sexual abuse and therefore must be addressed differently.

This document cannot cover every conceivable situation that might occur in any given school building on any given day; it does have its limitations. Questions of legal interpretation will occur. Procedural questions will be asked. Individual community questions will have to be addressed. The aims are for this document to provide a starting point and serve as a catalyst for Wisconsin schools. It also makes these schools aware of the resources, such as community agencies, people, training, and audiovisuals available to assist them in dealing adequately and appropriately with child sexual assault and abuse.

These guidelines are intended for use in

- developing school policy on child sexual assault and abuse.
- fostering familiarity with laws and procedures regarding child sexual assault and abuse.
- setting up cooperative interventions with appropriate community resources.
- developing procedures in dealing with child sexual assault and abuse.
- advancing an awareness of the resources available for training school personnel to deal with child sexual assault and abuse.

Acknowledgments

This publication was originated in 1984 through the cooperation and guidance of the Wisconsin Department of Public Instruction Child Sexual Assault and Abuse Committee. It is with sincere appreciation that we acknowledge the members of this committee.

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Recognizing the Problem 1

A Problem Exists

The problem of child sexual assault and abuse is far more pervasive than most of us care to admit. A deep concern over this limited awareness on the part of the general public, including educators and school administrators, has been voiced by the Wisconsin state legislature, committees on sexual assault, women's organizations, and parents. Additional waves of concern have come from local school personnel who are increasingly faced with suspected incidents of child sexual assault and abuse and find themselves unprepared to intervene effectively on behalf of the child victim.

Sexual abuse is a form of child abuse. It occurs when family members, friends, strangers, or others in a position of power or control over the child have sexual contact with or sexually exploit the child. Sexual abuse can be touching and nontouching acts. Sexual abuse of children is considered a forbidden and disagreeable topic. It is a very uncomfortable and painful subject for most people to discuss or acknowledge. When faced with such a frightening, widespread, and difficult problem, there is a tendency to minimize or discount it. This occurs at four different levels.

Nonexistence– "There isn't much of a problem!"
Insignificance– "The consequences are very small."
Insolubility– "Even if there is a problem, it can't be solved."
Helplessness– "I'm only one person. What can I do?"

Child sexual assault/abuse is the most complex form of child abuse. Age factor, power, and exploitation are just some of the sensitive elements that need to be taken into account. Sexual assault and abuse can be defined as any of the following:

- sexual touching, activity, or behavior that may be emotionally or physically harmful to a child
- sexual activity or behavior that exploits a child in order to meet another person's sexual or emotional needs
- sexual activity to which the child cannot reasonably choose to consent or refuse because of age, understanding, or relationship to the offender.

The preceding is a lay definition. The courts and protective services will use the legal definitions found in the Criminal Code, Chapters 939, 940, and 944, Wis. Stats., in determining whether abuse did, in fact, occur. Portions of these chapters are reprinted in the appendixes for convenient reference.

Sexual assault/abuse involves physical contact and may or may not include penetration. Some kinds of abuse have no direct physical contact. These include requiring children to look at the genitals of an older child or adult or requiring children to expose themselves. Sexual abuse includes unwanted touching, fondling, oral-genital contact, intercourse, sexual threats, forcing a child to touch adult body parts in a sexual manner, innuendos and comments about a child's body, and forcing a child to touch adult

body parts in a sexual manner. Sexual abuse may involve a single incident, but is more likely to occur as many incidents over a prolonged time period.

The Problem Is Significant

National studies estimate that up to 500,000 children are sexually abused in this country every year.

Out of a given classroom of 25, 5 children have been, or will be sexually abused by the time they finish high school (West, 1982, p. 1).

Children under the age of four years comprise 9.1 percent of the victims of substantiated sexual abuse. Children between the ages of four and ten represent over 34 percent of the cases according to the "Annual Report to the Governor and Legislature on the Wisconsin Child Abuse and Neglect Act," 1983, hereafter referred to as the DHSS Report.

Some form of sexual abuse will be experienced by one in four females and one in seven males prior to age 18 (*National Center on Child Abuse and Neglect Reports*, 1967).

Sexual abuse is not restricted to any race, social class, religion, or geographic area. Children from any background may be sexually abused.

In Wisconsin, reports of child sexual abuse have increased from 955 cases in 1980 to 4,921 in 1984; a 128 percent increase in four years according to the DHSS Annual Report, 1985, p. 10.

Whether the victim is female or male, 95 percent of the reported offenders are male. Offenders have ranged in age from children (8–10 years of age) to the elderly, with most offenders under age 35.

In 1982, the Dane County (Wisconsin) Sheriff's Department reported that all of the children reported to the agency as victims knew the person who assaulted them.

While the number of sexual abuse reports is alarming, a 1981 study, "Intra-Family Sexual Abuse in Wisconsin," shows that the actual incidence is substantially higher than the reports indicate.

Donald F. Kline, Utah State University special education professor, states, "Abused children are found to be significantly different from nonabused children in academic achievement, placement in classes for the emotionally disturbed and for the educable mentally retarded" (Kline and Christianson, 1977).

The following statistics were compiled in 1982 by Ann Ranfranz in her work with the Community Education Project of the Women's Coalition, Inc., Milwaukee.

- One characteristic of the incest victim is destructive behavior—in other words, suicide attempts, running away, truancy, sexual acting out, and other similar behavior.
- *Runaway Newsletter* (1975) surveyed runaways and listed sexual abuse as one of the primary reasons why children choose to leave home.
- *MS. Magazine* (1977) quoted a therapist who treated 500 cases of adolescent chemical dependency and found that 70 percent of them had experienced some form of family sexual abuse.
- A study of juvenile prostitution (Enablers 1978) revealed that more than one-third of these children had been sexually abused by members of their families.
- More than 50 percent of the female children placed in one reformatory in Maine had been molested prior to their commitment according to James (1975).
- A study of 13- to 15-year-old prostitutes in Minneapolis found that 90 percent of these girls had their first sexual experience with a person from their home.

The Problem Is Solvable

The Wisconsin legislature has established a Children's Trust Fund, which centers its activities on the prevention of child abuse. A sampling of current prevention and intervention programs in Wisconsin follows.

- **OASIS Project**
  Parental Stress Center, Madison
- **Prevention of Child Molestation/Child Abuse Curriculum Guide**
  Port Washington School District
- **Protective Behaviors: Anti-Victim Training for Children**
  Madison Metropolitan School District

- **Protective Behaviors Curriculum: Sexual Abuse--It Could Happen to Our Children, Too**
  CESA 11
- **Sexual Abuse Prevention Programs**
  Hartford School District, Joint 1
  CESA 6
  Oregon Public Schools
  CESA 2
- **Sexual Assault Treatment Center**
  Family Hospital, Milwaukee
- **Sexual Assault Counseling Unit**
  Milwaukee County District Attorney's Office
- **Community Program for Treatment of Incestuous Families**
  Washington County

I Can Help Solve the Problem

Schools have a unique role to play in the prevention of and intervention with child sexual assault. School personnel see children, observe their appearances and behaviors, and interact with them daily. The school is the only institution in society that has continual, direct access to children. Next to the family, the school is generally considered the most important influence on a child's life.

Ann Ranfranz's article in the *Milwaukee Journal* further points to the importance of this role. Ranfranz says: "Primary prevention/education promotes healthy male/female relationships, reexamines some of our traditional socialization with its damaging consequences, and redistributes rights and responsibilities for behavior in a more equal way. This would be one of the most beneficial things our schools could give to our children."

In some cases, where the family unit is having difficulty protecting a child or threatens the child's welfare itself, schools can play an invaluable role in support of both child and family. The school must play an important role in the follow-up of individual cases by providing a supportive environment for the child and coordinating with other agencies dealing with the family.

The following is a partial list of ways in which public school staff can become involved outside of the school setting.

- Become aware of programs available to help children decrease the risk of becoming victims.
- Become aware of existing resources and networking.
- Offer legislative support as an individual or as part of a group.
- Join a Neighborhood Watch Program.
- Be an "approachable adult," someone who considers it a crisis when a child says, "I don't feel safe," and is willing to take action on the child's word alone.

Developing A School Board Policy 2

Recommendations

Wisconsin law requires that educators assist in the detection of child sexual assault and abuse. Furthermore, the Child Abuse and Neglect Act of the Children's Code, sec. 48.981, Wis. Stats., specifies that all school personnel and administrators are mandated reporters.

Educators have a keen sense of responsibility for children and must, therefore, be committed to upholding the health, safety, and welfare of each individual child. This sense of personal responsibility, coupled with professional ethics and the legal mandate, makes a strong case for educator involvement.

Wisconsin school districts have increasingly expressed a growing concern in developing policies, procedures, and appropriate response systems for dealing with child sexual assault and abuse. In response to this concern the Department of Public Instruction has developed several suggestions and options for school district personnel to consider in developing programs and services.

A 1976 Education Commission of the States' (ECS) booklet entitled "Education Policies and Practices Regarding CA/N and Recommendations for Policy Development" suggests procedures for policy writing. The *first and strongest recommendation is that every school system in cooperation with the child protective services unit of the county human services department adopt and issue a sexual assault and abuse policy.* An effective policy should inform school personnel of their legal obligation to report as well as the immunities in reporting.

The ECS booklet suggests that policies also contain:

1. a brief rationale for involving school personnel in reporting.
2. the name and appropriate section numbers of the state reporting statute.
3. who specifically is mandated to report and who may report.
4. reportable conditions as defined by state law.
5. the person or agency to receive reports.
6. the information required of the reporter.
7. expected professional conduct of school employees.
8. the exact language of the law regarding child sexual assault and abuse (defined in sec. 940.225, Wis. Stats. for Wisconsin schools).
9. the method by which school personnel are to report and the time in which they must report.
10. information on immunity for those who report in "good faith" or those who participate in an investigation or judicial proceeding.
11. penalty for failure to report as established by state law.
12. action taken by a school board for failure to report.
13. any provisions of the law regarding the confidentiality of records pertaining to reports of suspected abuse or neglect.

It is also important for the school district, in cooperation with the local protective services unit, to determine how records of reported cases will be kept.

When developing a policy, a school district can specify its role in multidisciplinary cooperation, professional training, public awareness, and programs of prevention. It may also include some means of evaluation for the sexual assault and abuse policy. By spelling out realistic expectations and some means to evaluate the policy's goals regularly, more effective programs can be ensured.

For school policy on this subject to be truly useful and effective, it must be *widely disseminated*. Copies should be distributed to all school personnel, parents, students, and community members. This can be done through school in-service for all school personnel, parents, and students. Various media (newsletters, newspapers, radio, and so forth) may also be utilized. Informing the community about child sexual abuse broadens the base of potential reporters and ensures public awareness that help is available for people with abusive tendencies and their families.

Model Policy

Child abuse issues extend beyond the resources and jurisdiction of the schools. School policy in this area cannot be created in a vacuum. Therefore, it is imperative that schools involve other agencies and community representatives in the development of policy and procedures dealing with suspected child abuse.

The wording of a policy statement is left to each individual school district. The material that follows can serve as a guideline. Specific legal references are cited here. The Wisconsin law is excerpted in Appendix G of this guide.

Legal Responsibilities

School personnel have specific legal responsibilities for identifying and reporting suspected cases of child abuse and neglect according to the Wisconsin State Statute, Sections 48.981(2) (1985 Wisconsin Act 29). Under this part of the law, school teachers, administrators, counselors, psychologists, social workers, nurses, and speech, physical, and occupational therapists, are among those clearly designated as persons required to report cases of suspected child abuse or neglect. No person making a report under this subsection may be discharged from employment for so doing.

Salient Features of the Law

Although the law is not quoted verbatim here, it is recommended that school districts quote the actual statutes when developing their individual policies.

Definitions: Section 48.981(1) Wis. Stats. In this section "Abuse" means any of the following: physical injury inflicted on a child by other than accidental means; sexual intercourse or sexual contact under s. 940.225, Wis. Stats.; a violation of s. 940.203, Wis. Stats.; permitting, allowing, or encouraging a child to violate s. 944.30, Wis. Stats.; emotional damage. "Child" means any person under 18 years of age. Consult Appendix G for more legal definitions.

Investigation and Reports: Section 48.981 (3) Wis. Stats. Mandated reporters shall immediately contact the county agency, sheriff, or local police department. Contact the tribal government in the case of American Indian children.

Immunity: Section 48.981 (4) Wis. Stats. Any person or institution reporting in good faith shall have immunity from liability.

Penalty: Section 48.981 (6) Wis. Stats. Whoever intentionally violates this section by failure to report as required may be fined not more than $1,000 or imprisoned not more than 6 months, or both.

Confidentiality: Section 48.981 (7) Wis. Stats. All reports and records made under this section and maintained by the department, county agencies, and other persons, officials, and institutions shall be confidential.

Procedures for Implementing the Policy

All school district employees shall act as follows in reporting suspected child abuse or neglect:

1. Any school employee who suspects that a child has been sexually abused shall immediately contact the protective services unit of the social services department and/or the police or sheriff's department. The school employee should also notify the school

administration. *No one within the school system is permitted to censor or delay such a report.*

2. Any principal who receives such a report should immediately contact the director of pupil services or other professional (school nurse, social worker, psychologist, or counselor).

3. The principal and pupil services professional will provide, in writing, the following information: name, address, age of student, nature and extent of injuries and condition, and any other information that might help establish the cause of the injuries or condition.

4. Within 48 hours, the director of pupil services and the reporter must submit a written report to the social services department.

5. *The above procedure does not relieve the reporter of responsibility to follow-through in making a report of the suspected abuse to the county social service agency.*

6. Any school employee reporting under this section may request an immediate investigation by the sheriff or police department if there is reason to suspect that a child's health or safety is in immediate danger.

7. For statistical purposes only, notification that a child abuse or neglect referral has been made will be communicated to the district central office via telephone within 24 hours of the referral to the county. *The name of the student will not be communicated* to the central office.

8. When the suspected abuse occurs *within the school setting*, follow the procedures outlined in Section 4 of this resource guide. The director of pupil services, or designee, will then notify the parent(s) or guardian of the referral, *unless to do so is determined to be detrimental to the child or the investigation.*

9. The social services department, after investigating the suspected child abuse or neglect referral, shall be encouraged to submit a written response to the reporter regarding the status of the referral as soon as possible and no later than 60 days. Continuing dialogue with the social services worker will be encouraged.

School Responsibilities

Schools have specific responsibilities in the intervention and prevention of child sexual assault and abuse. These are outlined below. A Child Protective Services Referral Form is also included to help schools carry out their responsibilities.

1. All school personnel shall be conversant with the Child Abuse and Neglect Act in its entirety and shall be inserviced annually to update knowledge regarding child abuse and neglect, including legal requirements set forth in new legislation and treatment processes.

2. Referral information shall not become a part of the pupil's school record. All reports made under the Child Abuse Act shall be confidential.

3. The school district, in meeting its responsibilities regarding all aspects of child abuse and neglect, shall offer training in prevention (Wisconsin Act 213) as well as in identification, referral, and treatment.

4. This policy shall be reviewed annually and modified to conform to changes and/or revisions in the Child Abuse Act (1985 Wisconsin Act 29).

5. Appropriate school personnel shall be available to provide support services as part of a treatment plan. An interagency team approach should be utilized. The team may include representatives from the school, rape crisis center, county social services, counseling center, and other community resources.

6. Other information, such as indicators of abuse, may be included with the policy as a means of assisting mandated school personnel in fulfilling their responsibilities.

CHILD PROTECTIVE SERVICES REFERRAL

IDENTIFYING INFORMATION

Child's Name	Special Education Designate Category	Date of Birth	Sex	Grade

Child's Address

HOUSEHOLD COMPOSITION

ADULTS			CHILDREN		
Name	Relationship to Child	Telephone Home/Work	Name	Relationship to Child	School

If parents are not married, who has legal custody? ☐ Mother Only ☐ Father Only ☐ Joint ☐ Other *Specify*

REASON(S) FOR REFERRAL

State time, place, and condition of child which prompted this referral:

Observed physical condition of child:

Child's statement, if obtained:

If known, information concerning previous injury or conditions of neglect to this or other children in this family situation, including previous action:

Name of current C.S.S. worker

REPORTED TO:	Position
Agency	Date and Hour
FROM:	Position
School	Phone

Cut and Send to Professional Support Social Worker

Report was made to C.S.S. on:	School	Type of Report ☐ Sexual Abuse ☐ Physical Abuse ☐ Neglect
Student Information Grade | Sex | ☐ Regular Ed. ☐ Special Ed. *Designate Category*	Signature ▸	

Sexual Abuse Indicators 3

By definition sexual abuse is a form of child abuse. It occurs when family members, friends, strangers, or others in a position of power or control over the child have sexual contact or exploit the child. Sexual abuse can be touching and/or nontouching acts.

Sexual abuse includes any contact or interaction between a child and another person in which the child is being used for the sexual stimulation of the perpetrator or any additional person. According to Wisconsin Statutes, *persons under the age of 16 are incapable of consenting to sexual activity.*

Physical Indicators

Often sexual abuse is not discovered through physical indicators alone. Frequently, a child confides in a trusted teacher, counselor, or nurse that sexual assault or molestation by a caretaker has occurred. While this may be the first sign of sexual abuse, one should also be alert for physical signs of sexual abuse, such as

- difficulty in walking or sitting.
- torn, stained, or bloody underclothing.
- complaints of pain or itching in the genital area.
- bruises or bleeding in external genital, vaginal, or anal areas.
- venereal disease, particularly in a child under 13.
- pregnancy, especially in early adolescence.
- frequent urinary or yeast infections.
- frequent, unexplained sore throats.

Behavioral Indicators

There are several behavioral indicators that may point to sexual abuse of a child. The sexually abused child may

- appear withdrawn, engage in fantasy or infantile behavior, or even appear retarded.
- have poor peer relationships.
- be unwilling to change for gym or participate in physical activities.
- engage in delinquent acts or run away.
- display bizarre, sophisticated, or unusual sexual knowledge or behavior.
- state that a sexual assault by a caretaker has occurred.
- show a sudden drop in school performance.
- cry with no provocation.
- become anorexic, especially in adolescence
- exhibit fear of or seductiveness toward males.
- attempt suicide, especially in adolescence.

Appropriate Response Systems 4

Students may experience sexual abuse both inside and outside of the school setting. When school personnel **suspect** sexual abuse is occurring, either through a child's report or through personal observation, the appropriate response systems should be utilized.

Child Sexual Abuse on School Premises: Ages 5 to 11

Suppose that a child between the ages of 5 and 11 (grades K–6) in your school has been sexually assaulted or abused by another student on school premises. In this situation, the question is not if it happened, but how best to handle the situation.

The school must have definite procedures.

1. A report and referral of the assault or abuse is made simultaneously to school personnel designated to handle child abuse and neglect and to the local county social service agency.
2. The local county social or human services agency is mandated by statute to receive such referrals for investigation. *It is not the school's responsibility to conduct an investigation.*
3. If obstacles prevent contact with the county agency, call your local law enforcement agency. *In immediate assault situations call both.*
4. Contact may be made with the local rape crisis center.

Statements should be obtained from eyewitnesses. These should include:

1. date, time, and location of the incident
2. a detailed account of what was or was not observed
3. signature of witnesses

Parents of the victim and the perpetrator must be notified.

1. Immediate notification should be made by phone.
2. Written notification should follow.

School personnel will talk with the victim, possibly through an outside agency.

1. The interviewer should be a person, of the same sex, whom the child knows and trusts.
2. The interview should take place in a private but comfortable setting.

School personnel will talk with the perpetrator, possibly through an outside agency.

Appointments are set up with both parties to talk about the incident.

1. A separate time should be set to interview the child victim and parents.
2. A separate time should be set to interview the child assailant and parents.
3. Interviewing techniques are discussed in Section 5 of this guide.

If everyone in school knows about the incident and is concerned, classroom intervention and discussion should occur as soon as possible.

1. Keep in mind with whom students can talk and what support systems exist within the school building and the community (for example, relatives, teachers, or friends).
2. Utilize safety precautions. Other children need to know that teachers and other school personnel are concerned for their welfare and are ready to discuss means of safety.

Child Sexual Abuse on School Premises: Ages 12 to 18

Suppose a child between the ages of 12 and 18 (grades 7–12) in your school has been sexually assaulted or abused by another student on school premises. The question here is not if it happened but what circumstances surrounded the incident and how the situation can best be handled.

The school must have definite procedures.

1. A report and referral of the assault or abuse is made simultaneously to the individual in school designated to handle child abuse and neglect and to the local county social service agency.
2. The local county social or human services agency is mandated by statute to receive such referrals for investigation. *It is not the school's responsibility to conduct an investigation.*
3. If obstacles prevent contact with the county agency, call your local law enforcement agency.
4. Contact may be made with the local rape crisis center.

Parents of the victim and the perpetrator must be notified.

1. Immediate notification should be made by phone.
2. Written notification should follow.

Make appointments to talk with those involved.

1. Set up separate sessions for the victim, the assailant, and their parents.
2. If more appropriate, do this through an outside agency rather than the school.
3. Interviewing techniques are presented in section 5 of this guide.

Child Sexual Abuse Outside the School System

Schools are making it an increasingly routine practice to notify parents when staff members report suspected child abuse or neglect of any kind. *In certain circumstances, such as where a parent is suspected of abusing or neglecting a child, notification of the parent is not recommended because evidence of the abuse or neglect must be preserved for the social services investigation.*

When it appears that a child is being sexually abused outside of the school system, the following procedures are required.

- Any school employee who suspects that a child has been sexually abused shall immediately contact the protective services unit of the social services department and/or the police or sheriff's department. The school employee should also notify the school administration. *No one within the school system is permitted to censor or delay such a report.*

- Any principal who receives such a report should immediately contact the director of pupil services or other professional (school nurse, social worker, psychologist, or counselor).

- The principal and pupil services professional will provide the following written information: name, address, age of student, nature and extent of injuries and condition, and any other information such as home or family factors that might help establish the cause of the injuries or condition.

- Within 48 hours, the director of pupil services and the reporter will submit a written report to the social services department.

- All appropriate school personnel shall be available to provide support services when this is part of a treatment plan. An inter-agency team approach should be utilized. The team may include representatives from the school, rape crisis center, county social services, counseling center, and other community agencies.

- *The above procedures do not relieve the reporter of responsibility to follow-through in making a report of the suspected abuse to the county social service agency.*

Child Sexual Abuse by School Staff

When it appears that a child has been sexually assaulted or abused by a school staff person, these procedures should be followed.

1. Notify the appropriate authorities and follow through. According to the Wisconsin Statutes cited in Appendix G, child sexual assault or abuse constitutes criminal conduct.

2. Consult with the union representative about the discipline procedures set up by the board of education and/or specified by the contract for use in cases of sexual assault or abuse by a staff person.

Interviewing Techniques 5

Interacting with the Abused Child

The techniques in this section are offered for the purpose of providing support and establishing rapport with the child, and *not for the purpose of conducting a social services investigation*. These techniques were compiled by Ann Ranfranz, Director of the Sexual Assault Counseling Unit, Milwaukee County District Attorney's Office.

The initial mandated reporter and persons coming in contact with a victim of child abuse, neglect, or sexual assault who feel qualified and comfortable in interviewing the victim should use the following techniques where appropriate.

1. Be friendly and nonthreatening.
2. Conduct the discussion in a setting in which the child feels comfortable and which offers privacy without interruptions.
3. Set a tone that is comfortable and open. Alleviate feelings of shame or guilt.
4. Get in touch with your own personal feelings regarding what has happened. Identify and separate these from the child's feelings and do not project or impose them or tell the victim how to feel.
5. Give the permission to talk about sex. Provide terminology.
6. Get on the victim's level by using simple vocabulary, drawings, or dolls, if necessary.
7. Give the victim an opportunity to ventilate about the incident, offender, and about friends' and family's reactions.
8. Communicate that none of this is an "unspeakable horrible" and that the child can talk about all of it. Do not extract details of the incident if the child does not feel a need to tell all.
9. *Listen* to what the child says. Encourage talking at the victim's pace. Active listening and reflecting one's own feelings can be very helpful and make it easier for the child to express feelings.
10. Communicate to the child that he or she is not alone in this experience. It has happened to others.
11. Interrupt only for clarity or to return to the subject.
12. Give permission for the child to express all feelings including the ambiguous ones (pleasure, guilt, or anger).
13. Deal with the guilt. Communicate clearly that the adult is in charge and responsible. Assure the child that the abuse was not his or her fault and that you believe the story.
14. Give accurate and educational information. The child may have confusing and wrong information regarding the use and abuse of one's sexuality (appropriate and inappropriate behaviors). Have the child repeat things back in simple language to see if understanding has been achieved.
15. Explain that exploitation, trickery, deception, and betrayal are unacceptable, whether they occur in sexual or nonsexual ways. (Note: a child with a thorough sex

education has a strong base from which to understand this concept.)

16. Discuss the concept that emotional hurt is as real as physical hurt.
17. Reinforce the emotion of anger when it is expressed. Anger is important for overcoming a sense of victimization.
18. Talk about *all* feelings: anger, shame, guilt, low self-esteem, betrayal, helplessness, powerlessness, sadness, depression, self-hatred, confusion, and so forth.
19. Believe the child, and assume the truth is being told.
20. Communicate that you are glad the child told you about what happened and that you want to help protect him or her from any further abuse.
21. Respect the child's privacy, and do not talk with others about it.
22. If you are referring the case elsewhere, discuss with the child what will take place. Allow the child to feel a part of this. Avoid making the child feel like something is being done to him or her.
23. Do not suddenly treat the child differently. Help the child put the incident in perspective and proceed with normal activities and routines.
24. Ask for questions and be sure to answer them.
25. Have someone simultaneously talking with the child's parents. Their continued overreactions can be harmful to the child.

The Parent Interview

The parent interview information provided in this section is taken from the National Center on Child Abuse and Neglect publication, *The Educator's Role in the Prevention and Treatment of Child Abuse and Neglect*. It is offered to facilitate discussion with parents when a student has been sexually assaulted or abused on school premises, *and not for purposes of a social services investigation*.

Parents should be assured of the interview's confidentiality. If some of what is discussed must be revealed to a third party, that should be made clear. The interviewer should avoid prying into matters extraneous to the subject of the interview. Parents should be assured of the school's support for them and its continuing interest in the child. It is important not to alienate the family. Regardless of the situation's outcome the school is likely to continue serving the family.

Whether interviewing parent or child, the educator should keep in mind that situations that appear to be maltreatment may turn out to be something else. It is important to maintain professional conduct by adhering to the facts and avoiding placement of blame through judgments and accusations.

Occasionally an angry parent will come to school. This is particularly likely to happen when the school has not informed the parent that it has filed a report of suspected child abuse and neglect. *Parents have the right to know that such a report has been made.*

If angry parents appear at school, they should be handled exactly the same as any parent angry over any matter (for example, a failing grade). In addition, one should stress the legal obligation to report, and reaffirm the school's concern for the child.

Schools that have instituted this procedure report good results. Parents are less hostile and resentful when they understand that the school has a legal obligation it must fulfill. In addition, they appreciate an expression of concern and support at a time which is difficult for them.

Thought should be given to selecting the most appropriate person to meet with the parents. In some cases, this will be a classroom teacher in whom the child has confided. In other cases, a pupil services staff member may be preferable.

Parents may be apprehensive or angry at the prospect of talking with the school about an injured child. The conversation should be conducted in private, and the parents should be told in the beginning why the discussion is taking place. If any action has occurred or will occur in the near future (a report of suspected abuse, for example), the parent should be told and the legal authority for the action made clear.

Do

- Select interviewers appropriate to the situation.
- Conduct the interview in private.

- Tell the parents why the interview is taking place.
- Be direct, honest, and professional.
- Tell the parents the interview is confidential.
- Reassure the parents of the school's support.
- Tell the parents if a report has been made or will be made.
- Advise the parents of the school's legal responsibilities to report.

Don't

- Try to "prove" abuse or neglect by accusations or demands.
- Display horror, anger, or disapproval of parents, child, or situation.
- Pry into family matters unrelated to the specific situation.
- Place blame or make judgments about the parents or child.

Community Networking and Linkages 6

Networking

Child sexual assault and abuse is a community problem. Disbelief and horror are major obstacles and must be addressed. Unacknowledged resistance will slow progress despite the best professional intentions. There is considerable pain involved in making these situations visible, but the more effectively a community mobilizes and coordinates its resources, the more effective the response will be. In child sexual assault and abuse it is essential for agencies to trust each other, communicate, and work together. From the identification of the problem, through the legal system, to treatment and follow-up, an interwoven network of specialized resources must be available and responsive. An effective community response network will operate more quickly and effectively than individual agencies responding independently. This response calls for a high awareness level of a problem that until recently has been hidden and taboo.

Each agency involved in child sexual assault and abuse needs to have a clear understanding of the problem's extent and of an effective internal response system. This is only the first step. The second step is to increase the communications partnership of these separate systems so the total problem can be responsibly dealt with on a communitywide basis. Many areas have developed community child abuse teams. They are specially trained, multidisciplinary in membership, and function as a communication and coordination network for the community. These teams provide many of the following services:

- review and assessment of community needs and resources
- advocacy for development of needed services
- assistance to child welfare agencies in the development of effective local plans
- development of public awareness for the child abuse problem
- assistance in the identification and development of interagency relationships
- assistance to education organizations and individuals to identify and report child sexual assault and abuse
- support for legislation
- support and help in publicizing innovative efforts
- encouragement of other "issues" committees (for example, sex equity) to include the "elimination of child sexual assault and abuse" in their program goals

These teams, like many interagency bodies, need to have clearly delineated goals, a written set of operating procedures, and meet on a regular basis. The teams are usually composed of representatives from social service, health, mental health, and law enforcement agencies; the legal profession; citizenry; government; and, of course, education.

If no team presently exists, someone should call a meeting to organize one now. Any interested professional can do this. The school district should designate a person to serve as a representative on the community child abuse

team. The school's representative will likely have a primary responsibility in the school's efforts, high interest, and an awareness of the issues. This person will become the communicator between the community-based team and the schools. In many instances it will be a school principal, social worker, counselor, psychologist, nurse, or teacher. The liaison designation should be made clear and included as part of the person's job responsibilities. In order to ensure continuity, the community child abuse team should be able to count on consistent attendance by the same school representative. Continuity of membership builds cohesiveness.

The school's liaison should report regularly to the school staff concerning the community child abuse team's activities. It is vital that each agency clarify its role within the community's broader responsibilities and train its staff to deal effectively with child sexual abuse issues. Communication regarding the various groups' roles and functions should be an on-going, two-way process. Staff should be made aware of the progress of individual cases and the team's general activities. Gaps in services can be identified and recommendations for new services can be referred back to the community team.

While existing resources vary from one community to the next, many communities contain at least some of the key resources that follow.

Local Resources

County Departments of Social Services are the mandated agencies for investigating child abuse and neglect reports and for providing victims and their families with assessment and possible referral for legal action.

District Attorney's Office offers referral, counseling, and prosecution.

Family Service Agencies provide referral and counseling.

Hospitals offer referral, counseling, and treatment.

Local Police Departments and County Sheriff's Departments investigate child abuse and neglect.

Mental Health Agencies provide information, referral, and counseling.

Rape Crisis Centers, Parents Anonymous and, similar groups provide information, referral, counseling, and advocacy.

State and Regional Resources

Central Office
Office for Children, Youth, and Families
Division of Community Services
Department of Health and Social Services
1 West Wilson Street
Madison, WI 53702
(608/266-3435)

This office provides statewide training, assistance in setting up curriculum, and consultation to schools.

Regional Offices
Division of Community Services
Department of Health and Social Services

Addresses for Regional Offices may be obtained by calling or writing the Central Office.

These offices provide consultation and training to public and private human services agencies and mandated reporters and coordinate multidisciplinary efforts within the region.

Child Abuse Prevention Board
Children's Trust Fund
110 East Main Street
Room 520
Madison, WI 53703
(608/266-6871)

National Resources

American Humane Association
Child Protection
P.O. Box 1266
Denver, CO 80201-1266

The Council for Exceptional Children
1920 Association Drive
Reston, VA 22091

Education Commission of the States
Child Abuse and Neglect Project
300 Lincoln Tower
1860 Lincoln Street
Denver, CO 80295

National Center for the Prevention and Treatment of Child Abuse and Neglect
University of Colorado Medical Center
1205 Oneida
Denver, CO 80220

National Center on Child Abuse and Neglect
Administration for Children, Youth, and Families
U.S. Department of Health and Human Services
P.O. Box 1182
Washington, DC 20013

National Committee for Prevention of Child Abuse
332 South Michigan Avenue
Chicago, IL 60604

National Legal Resource Center for Child Advocacy and Protection
American Bar Association
1800 M Street, N.W. S-200
Washington, DC 20036

Works Cited in Text

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Education Commission of the States. *Education Policies and Practices Regarding CA/N and Recommendations for Policy Development.* Report No. 85. Denver: ECS, April 1976.

Kline, Donald, and James Christianson. "Educational and Psychological Problems of Abused Children." Summary of Final Report, Dept. of Special Education. Logan, Utah: Utah State University, 1977.

Ranfranz, Ann. "In My Opinion: Sexual Assault Thrives on Myths." *Milwaukee Journal* 14 Dec. 1981.

U.S. Dept. of Health and Human Services. Office of Human Development Services, Administration for Children, Youth, and Families. Children's Bureau. *Perspectives on Child Maltreatment in the Mid '80s.* Washington, DC: National Center on Child Abuse and Neglect, 1984.

West, Peg Flandreau. *Protective Behaviors: Anti-Victim Training for Children.* Madison: Madison Metropolitan School District, 1982.

Wisconsin Dept. of Health and Social Services. *Annual Report to the Governor and Legislature on the Wisconsin Child Abuse and Neglect Act.* Madison: DHSS, October 1, 1985.

Wisconsin Dept. of Health and Social Services. *Intra-Family Sexual Abuse in Wisconsin. A Study of Prevalence, System Response, and Needs.* Madison: DHSS Division of Policy and Budget, 1981.

Wisconsin School Districts with Prevention Projects

Columbus School District
Protective Behavior Curriculum Guide
200 West School Street
Columbus, WI 53925
Mark Jurovic, Elementary Counselor

Green Bay Public Schools
"You Can Tell," Child Sexual Abuse Prevention Program
200 South Broadway
P.O. Box 1387
Green Bay, WI 54305
Mary Kaster and Ann Recka, School Social Workers

Hartford Joint #1 School District
Sexual Abuse Prevention Program
600 Highland Avenue
Hartford, WI 53027
Janet Engelke, School Social Worker

Kewaskum School District
Protective Behaviors Program
1450 School Street
P.O. Box 37
Kewaskum, WI 53040
Richard Zarling, Elementary School Principal
Milt Dickinsen, Elementary Guidance Counselor

Little Chute School District
Protective Behaviors: It Feels Good to Feel Safe!
1402 North Freedom Road
Little Chute, WI 54140
Deanna Grimm, School Nurse

Madison Metropolitan School District
S.A.V.E. Student Anti-Victim Education and Protective Behaviors: Anti-Victim Training for Children
545 West Dayton Street
Madison, WI 53703
Pete Albert, School Social Worker

Milwaukee Public Schools
Critical Health Problems Curriculum Advisory Committee
Subcommittee on Child Abuse and Sexual Assault
Colleen Landazuri and Beverly Mantey-Van Cronkhite, Co-chairpersons

Oregon Public Schools
K-12 Curriculum—Child Abuse
200 North Main
Oregon, WI 53575
Gwen Thompson, Teacher

Port Washington School District
Prevention of Child Molestation/Child Abuse Curriculum Guide
Port Washington, WI 53074
Gordon Fairbert, Curriculum Coordinator

Superior School District
Sexual Assault Prevention Education
823 Belknap Street
Superior, WI 54880
J. Ronald Hennings, Director
Department of Curriculum and Instruction

CESA 5
Promoting Personal Safety Project
626 East Slifer Street
P.O. Box 564
Portage, WI 53901
Joyce Unke, Human Growth and Development
Susan Staab, Project Director

CESA 9
328 North Fourth Street
P.O. Box 449
Tomahawk, WI 54487
Joan Sayre, Human Growth and Development Coordinator

CESA 11
Protective Behaviors Curriculum: Sexual Abuse—It Could Happen To Our Children, Too
P.O. Box 728
Cumberland, WI 54829
Barbara Wehman, Human Growth and Development CoordinatorCoordinator

The above listing was compiled from program booklets forwarded to the Department of Public Instruction. There are other school districts, however, that teach self protection/protective behaviors in grades K-5, 6, or 8.

Appendix B

Curriculums

The following curriculums are a representative sample of the types of materials available. Inclusion in this appendix does not constitute an endoresement of these curriculums.

"Curriculum for Head Start Children, Kindergarten Through Second Grade, Third Grade Through Fourth Grade, Fifth Grade Through Sixth Grade and Junior and Senior High."
Skyline Elementary School
2301 North Mildred
Tacoma, WA 98406

"Curriculum for the Prevention of Child Sexual Abuse."
Bridgework Theatre
113½ East Lincoln, #3
Goshen, IN 46526
Secondary level for more-advanced students or less-advanced students.

"Feelings and Your Body."
Coalition for Child Advocacy
P.O. Box 159
Bellingham, WA 98227
A prevention curriculum for preschoolers. Five-day lesson plan, 30 minutes each day, $3.00.

"Illusion Theatre Guide for Teaching Mentally Retarded People About Sexual Abuse Prevention Education."
Illusion Theater
528 Hennepin Avenue, Suite #309
Minneapolis, MN 55403
$5.00

"The Kindergarten through Twelve Curriculum."
Developmental Disabilities Project
Seattle Rape Relief
1825 South Jackson, Suite 102
Seattle, WA 98144

"No Easy Answers."
Illusion Theatre
528 Hennepin Avenue, Suite #309
Minneapolis, MN 55403
Curriculum on teenagers and preventing adolescent sexual abuse, $25.00.

"Personal Safety Curriculum."
Homemakers Service of Hampshire County
31 Trumbull Road, P.O. Box 927
Northampton, MA 01061
For parents, students, and teachers. $10.00. English and Spanish.

"Preventing Sexual Abuse of Persons with Disabilities: A Curriculum for Hearing Impaired, Physically Disabled, Blind, and Mentally Retarded Students."
Public Documents Division
117 University Avenue
St. Paul, MN 55155

"Project SAFE: A Sexual Assault Perpetration Prevention Curriculum."
Kathy Strong, John Tate, Barb Wehman, and Ardiss Wyss
CESA 11-Human Growth and Development
P.O. Box 728
Cumberland, WI 54829

"Protective Behaviors Curriculum Guide."
Marilyn Van Wyk, HGD Coordinator
CESA 4
La Crosse County Courthouse
La Crosse, WI 54601
Designed to acquaint students with appropriate touch and personal body safety.

"Sexual Abuse and Self Protection: Handicapped Students Have a Right to Know."
Comprehensive Health Education Foundation
20832 Pacific Highway South
Seattle, WA 98188
A curriculum for development of awareness of sexual abuse and teaching self-protection. Level I for ages 6–11, $125.00. Level II for junior high ages and adults, $495.00.

"Sexual Abuse Prevention Curriculum."
Bridgework Theatre
EPSA Project
113½ East Lincoln, #3
Goshen, IN 46526
Available in two booklets: one each for elementary and secondary, $5.00 each.

"Sexual Abuse Prevention Education Personal Safety Curriculum."
Franklin Hampshire Community Mental
Health Center
50 Pleasant Street
P.O. Box 625
Northampton, MA 10061
In Spanish.

"Sexual Exploitation of Handicapped Students."
Developmental Disabilities Project
Seattle Rape Relief
1825 South Jackson, Suite 102
Seattle, WA 98144
Two publications. A description of the junior and senior high curriculum and a description of the elementary school curriculum.

Prevention Programs

Bubbylonian Encounter
Bubbylonian Production, Inc.
7717 West 80th Street
Overland Park, KA 66204
A play for children about sense of touch (sexual abuse prevention). A theatre play or videotape. Tape available from Parental Stress Center, 1506 Madison Street, Madison, WI 53711.

Child Sexual Abuse Prevention Project: An Educational Program for Children.
Created by Cordelia Kent
Sexual Assault Services
Hennepin County Attorney's Office
C-2100 Government Center
Minneapolis, MN 55487

Childhood Comes First: A Crash Course in Childhood for Adults
Ray E. Helfer, M.D.
Box 1781
East Lansing, MI 48823
A course written for adults who were unable to learn basic skills of interacting with others when they were children. Especially for parents, but can be used by educators.

Community Education for Prevention of Sexual Assaults
Southern California Rape Prevention
Study Center
Didi Hirsch Community Mental
Health Center
4760 South Sepulveda Boulevard
Culver City, CA 90230
A program book, $17.50.

Education for Parenthood: A Primary Prevention Strategy for Child Abuse and Neglect
Child Abuse Project, Report No. 93, 1976
Education Commission of the States
300 Lincoln Tower
1860 Lincoln Street
Denver, CO 80295

Growing Children: A Program for Child Development and Parenthood
J. Charles Jones, 1973
THAFEX Associates
90 Cherry Street
Box 579
Johnstown, PA 15907
Understandable for junior and senior high students, with suggestions for audiovisual use, class discussions, and test items. Designed to help students be better parents. Includes teacher's guide.

Handling Your Ups and Downs: A Children's Book About Emotions
Joy Wilt, 1981
Word Incorporated
4800 West Waco Drive
Waco, TX 76796

He Told Me Not to Tell
King County Rape Relief
305 South 43rd
Renton, WA 98055
A parent's guide for talking to your child about sexual assault. Excellent for teachers.

JETS (Justice Education Teacher Strategies)
A Pennsylvania program
Patrick Riopelle
Wisconsin Council on Criminal Justice
30 West Mifflin Street, Suite 1000
Madison, WI 53703

My Personal Safety Coloring Book
Developed by the Fridley Police Department, 1982
6431 University Avenue NE
Fridley, MN 55432

No More Secrets: Protecting Your Child from Sexual Assault
Caren Adams and Jennifer Fay, 1981
California Impact Publishers
P.O. Box 1094
San Luis Obispo, CA 93406
Designed for parents, this book can easily be used by teachers and counselors.

Out of the Trap
Don Yost, 1982
Bridgework Theater
113½ East Lincoln Avenue
Goshen, IN 46526

Parenting Curriculum
Yvonne Elder Walker, Project Director
URSA Institute, HEW Region X Office
Child Development
National Center for Child Abuse and Neglect
Training and Technical Assistance Program
Thorough, step-by-step, training manual to teach parenting skills to a varied audience, including educators.

Preventing Sexual Abuse: Activities and Strategies for Those Working with Children and Adolescents
January 1984
Learning Publications
P.O. Box 1326
Holmes Beach, FL 33509

Prevention of Sexual Assault for Parents and Children
Southern California Rape Prevention Study Center
Didi Hirsch Community Mental Health Center
4760 South Sepulveda Boulevard
Culver City, CA 90230
Guidelines and curriculums for use with groups of parents and/or children, $13.50.

Protective Behaviors: Anti-Victim Training for Children
Madison Metropolitan School District
545 West Dayton Street
Madison, WI 53703
Planned interventions that can be used in preventative, early intervention crisis, and post-crisis situations. Modified brainstorming process easily adaptable to small group or individual discussions.

Rape: Awareness and Education for Educators
Rape Crisis Center of Syracuse
304 Seymour Street
Syracuse, NY 13204
Resource book and curriculum guide.

Secret in the Toy Room
Created by Pat Zawacsky
sponsored by CESA 5
Portage County Council of Human Sexuality
Citizens for Informed Human Sexuality
A play concerning sexual and child abuse, for children in grade 4.

Sexual Abuse Prevention: A Lesson Plan (vol. 2)
Sandra Klevin, 1981
Coalition for Child Advocacy
Soap Box Productions
Bellingham, WA 98225

Sexual Assault: A Manual for Law Enforcement, Medical, Social Services, Volunteer, and Prosecutional Personnel and Agencies
Sexual Assault Services
Hennepin County Attorney's Office
C–2100 Government Center
Minneapolis, MN 55487

The Silent Children: A Parents' Guide to the Prevention of Child Sexual Abuse
Linda T. Sanford 1980
Doubleday, New York

Strategies for Free Children: A Guide to Child Assault Prevention
Child Assault Prevention
P.O. Box 02084
Columbus, OH 43202
$18.50 each plus $1.50 postage and handling.

Taking Care of Me
Didi Hirsch Community Mental Health Center
4760 South Sepulveda Boulevard
Culver City, CA 90230
A training tape that shows how to deliver a prevention program to elementary children. Videotape $40.00. Prevention package $50.00.

TOUCH
Created by Illusion Theater
528 Hennepin Avenue, Suite #309
Minneapolis, MN 55403
A program designed to explain and prevent the sexual abuse of children. Presented in communities in cooperation with local sponsors.

The Touching Problem (vol. 1)
Sandra Klevin and Joan Krebill
Coalition for Child Advocacy
Soap Box Productions
Bellingham, WA 98225

What Can I Do to Prevent Harm to Children? A Resource Guide for Mandated Reporters
Division of Social Services
Department of Public Welfare
658 Cedar Street
St. Paul, MN 55155

Appendix D

Training Resources

Institute for Prevention and Treatment of Child Sexual Abuse
223 North Yakima Avenue
Tacoma, WA 98403
(206) 564–3787

OASIS Project
Parental Stress Center – Fran Nelson
1506 Madison Street
Madison, WI 53711
(608) 251–9464

Office for Children, Youth, and Families
1 West Wilson Street
Madison, WI 53703
(608) 266–2701

Osanka, Frank, Ph.D.
Behavioral Consultant
121 North Center Street
Naperville, IL 60540
(312) 355–7529

Dr. J. Mark Perrin, Chairperson
Family Sexual Abuse
Department of Education
University of Wisconsin-River Falls
River Falls, WI 54022

Trudee Able Peterson
101 Cooper Street, Apt. #14
New York, NY 10034
(212) 567–0965

Greg Risberg, MSW
The Importance of Touching and Self Esteem
Clinical Social Worker
Northwestern University Medical School
Evanston, IL 60201

Dr. Samuel Stellman, Professor
Criminal Justice/Social Welfare
University of Wisconsin–Milwaukee
1041 Enderis Hall
Milwaukee, WI 53201
(414) 963–6048/963–5630

Treatment of Family Sexual Abuse
Program in Human Sexuality
Research East Building
2630 University Avenue Southeast
University of Minnesota
Minneapolis, MN 55414
(612) 376–7520

University of Wisconsin Extension–Madison
Bernadine E. Bednarz
Room 325, Lowell Hall
610 Langdon Street
Madison, WI 53703
(608) 263–4431/263–2088

University of Wisconsin Extension–Milwaukee
Civic Center Campus
Kathy Hanold
929 North Sixth Street
Milwaukee, WI 53203
(414) 224–4743

Peg West
Protective Behaviors: Anti-Victim Training for Children
1005 Rutledge Street
Madison, WI 53703
(608) 257–4855

CESA Human Growth and Development Coordinators

Pat Mattek
CESA 1
P.O. Box 27529
West Allis, WI 53227
(414) 546-3000

Barbara Furlong
CESA 2
430 East High Street
Milton, WI 53563
(608) 868-4717

Diane Hutchison
CESA 3
Route 1, Industrial Drive
P.O. Box 5A
Fennimore, WI 53809
(608) 822-3276

Marilyn Van Wyk
CESA 4
La Crosse County Courthouse
La Crosse, WI 54601
(608) 785-9364

Joyce Unke
CESA 5
626 East Slifer Street
P.O. Box 564
Portage, WI 53901
(608) 742-8811

Nancy Winkler
CESA 6
P.O. Box 2568
Oshkosh, WI 54903
(414) 233-2372

Nancy Collins
CESA 7
2280 A South Broadway
Green Bay, WI 54304
(414) 497-3755

Karen Eiseth
CESA 8
Lake and Main
Gillett, WI 54124
(414) 855-2114

Joan Sayre
CESA 9
328 North Fourth Street
P.O. Box 449
Tomahawk, WI 54487
(715) 453-2141

Pat Kardin
CESA 10
725 West Park Avenue
Chippewa Falls, WI 54729
(715) 723-0341

Barbara Wehman
CESA 11
P.O. Box 728
Cumberland, WI 54829
(715) 822-4711

Thomas Frizzell
CESA 12
301 13th Avenue East
Ashland, WI 54806
(715) 682-2316

Appendix E

Sexual Abuse Bibliography

Anderson, Cordelia. "Child Sexual Abuse Prevention: How To Take the First Steps." Illusion Theater, 528 Hennepin Ave., Suite #309, Minneapolis, MN 55403, 1983.

"Are Children with Disabilities Vulnerable to Sexual Abuse?" Public Documents Division, 117 University Avenue, St. Paul, MN 55155, (612) 297-3000. 50 for $7.00.

Armstrong, Louise. *Kiss Daddy Goodnight: A Speakout on Incest*. New York: Hawthorne Books, 1978, Pocket Book, 1979.

Barry, Kathleen M. *Female Sexual Slavery*. Englewood Cliffs, NJ: Prentice-Hall, 1974.

Burgess, Ann W., and Lynda L. Holmstrom. *Rape: Crisis and Recovery*. Englewood Cliffs, NJ: Prentice-Hall, 1974.

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You Can Say Yes, You Can Say No. Catholic Social Services, 207 East Michigan, Milwaukee, WI 53202. Coloring book for children.

Films and Filmstrips

Acquaintance Rape Prevention Series. Multimedia Package. MTI Teleprograms, 3710 Commercial Avenue, Northbrook, IL 60062. Rental $125. Purchase $450. Distributed free to junior and senior high schools by Association Films.

Better Safe Than Sorry II. Filmfair Communications, Attention: James Canser, 10900 Ventura Boulevard, Studio City, CA 91604. Purchase $290.

Breaking Silence. 16mm film. Film Distribution Center, 1028 Industry Dr., Seattle, WA 98188. 60 minutes, color. Purchase $800.

Child Molestation: When to Say No. 16mm film. AIMS Instructional Media Services, 626 Justin Avenue, Glendale, CA 91201. 13 minutes, color. Rental $25. Purchase $220.

If I Tell You a Secret: Interviewing the Sexually Abused Child. Lawren Productions, P.O. Box 666, Mendocino, CA 95460.

Incest: The Victim Nobody Believes. 16mm film. MTI Teleprograms, 3710 Commercial Avenue, Northbrook, IL 60062. 20 minutes, color. Rental $50. Purchase $350.

Little Bear. Video. Eileen Littig, Director and Producer. NEWIST, 2420 Nicolet Drive, Green Bay, WI 54301. 15 minutes. Primary prevention television program on child sexual abuse.

Sexual Assault: A Rural Reality. Slide tape program. Sexual Assault Program, Box 688, 522 Beltrami Avenue, Bemidji, MN 56601. Rental $25.00. Purchase $100.

Shatter the Silence. 16mm film. Phoenix Films, 468 Park Avenue South, New York, NY 10016. 29 minutes, color. Purchase $425.

Speak Up, Say No! Filmstrip. Krause House, P.O. Box 880, Oregon City, OR 97045. 6 minutes. Purchase $50.

A Time for Caring: The School's Response to the Sexually Abused Child. 16mm film. Lawren Productions, P.O. Box 666, Mendocino, CA 95460. 28 minutes, color. Rental $50/week. Purchase $390.

The Touch Film, with Dr. Jessie Potter. 16mm film. Sterling Productions, Inc., 500 N. Dearborn St., Suite 1119, Chicago, IL 60610. Color. Purchase $425.

Legal References

The following excerpts from statutes are provided in an effort to assist interpretation of applicable Wisconsin law.

Please note that none of the statutes are reprinted in their entirety.

Wisconsin Statute 48.981 as revised by the 1985-87 Biennial Budget Act (1985 Wisconsin Act 29)

Effective: July 20, 1985
This statute is current as of July 1985 and should be updated as revisions are enacted.

48.981 Abused or neglected children.

(1) DEFINITIONS. In this section:

(a) "Abuse" means any of the following:

1. Physical injury inflicted on a child by other than accidental means.
2. Sexual intercourse or sexual contact under s. 940.225.
3. A violation of s. 940.203.
4. Permitting, allowing or encouraging a child to violate s. 944.30.
5. Emotional damage.

(b) "Child" means any person under 18 years of age.

(c) "County agency" means a county child welfare agency under s. 48.56(1) or a community human services board under s. 46.23.

(cm) "Emotional damage" means harm to a child's psychological or intellectual functioning which is exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors, which is caused by the child's parent, guardian, legal custodian or other person exercising temporary or permanent control over the child and for which the child's parent, guardian or legal custodian has failed to obtain the treatment necessary to remedy the harm. "Emotional damage" may be demonstrated by a substantial and observable change in behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development.

(d) "Neglect" means failure, refusal or inability on the part of a parent, guardian, legal custodian or other person exercising temporary or permanent control over a child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

(e) "Physical injury" includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe or frequent bruising or great bodily harm as defined under s. 939.22(14).

(f) "Record" means any document relating to the investigation, assessment and disposition of a report under this section.

(g) "Reporter" means a person who reports suspected abuse or neglect or a belief that abuse or neglect will occur under this section.

(h) "Subject" means a person named in a report or record as either of the following:

1. A child who is the victim or alleged victim of abuse or neglect or who is threatened with abuse or neglect.
2. A person who either is suspected of abuse or neglect, is exercising temporary or permanent control over a child who is threatened with abuse or neglect or has been determined to have abused or neglected a child.

(2) PERSONS REQUIRED TO REPORT CASES OF SUSPECTED CHILD ABUSE OR NEGLECT.

A physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, other medical or mental health professional, social or public assistance worker, school teacher, administrator or counselor, child care worker in a day care center or child caring institution, day care provider, alcohol or other drug abuse counselor, member of the treatment staff employed by or working under contract with a board established under s. 46.23, 51.42 or 51.437, physical therapist, occupational therapist, speech therapist, emergency medical technician – advanced (paramedic), ambulance attendant or police or law enforcement officer having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall report as provided in sub.(3). Any other person, including an attorney, having reason to suspect that a child has been abused or neglected or reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may make such a report. No person making a report under this subsection may be discharged from employment for so doing.

(3) REPORTS; INVESTIGATION.

(a) Referral of report of suspected child abuse or neglect.

Persons required to report under sub. (2) shall immediately contact, by telephone or personally, the county agency, sheriff or city police department and, in the case of American Indian children, the tribal government and shall inform the agency or department of the facts and circumstances contributing to a suspicion of child abuse or neglect or to a belief that abuse or neglect will occur. The sheriff or police department shall within 12 hours, exclusive of Saturdays, Sundays or legal holidays, refer to the county agency and, in the case of American Indian children, the tribal government all cases reported to it. The county agency may require that a subsequent report be made in writing. Each county agency shall adopt a written policy specifying the kinds of reports it will routinely report to local law enforcement authorities.

(b) Duties of local law enforcement agencies.

1. Any person reporting under this section may request an immediate investigation by the sheriff or police department if the person has reason to suspect that a child's health or safety is in immediate danger. Upon receiving such a request, the sheriff or police department shall immediately investigate to determine if there is reason to believe that the child's health or safety is in immediate danger and take any necessary action to protect the child.
2. If the investigating officer has reason under s. 48.19(1)(c) or (d)5 to take a child into custody, the investigating officer shall take the child into custody and deliver the child to the intake worker under s. 48.20.
3. If the police or other law enforcement officials determine that criminal action is necessary, they shall refer the case to the district attorney for criminal prosecution.

(c) Duties of county agencies.

1. Within 24 hours after receiving a report under sub. (3)(a), the county agency shall, in accordance with the authority granted it under s. 48.57 (1)(a), initiate a diligent investigation to determine if the child is in need of protection or services. The investigation shall be conducted in accordance with standards established by the department for conducting child abuse and neglect investigations and shall include observation of or an interview with the child, or both, and, if possible, a visit to the child's home or usual living quarters and an interview with the child's parents, guardian or legal custodian. At the initial visit to the child's home or living quarters, the person making the investigation shall identify himself or herself and

the county agency involved to the child's parents, guardian or legal custodian. The county agency may contact, observe or interview the child at any location without permission from the child's parent, guardian or legal custodian if necessary to determine if the child is in need of protection or services, except that the person making the investigation may enter a child's home or living quarters only with permission from the child's parent, guardian or legal custodian or after obtaining a court order to do so.

2. If the person making the investigation determines that any child in the home requires immediate protection, he or she shall take the child into custody under s. 48.08(2) or 48.19(1)(c) and deliver the child to the intake worker under s. 48.20.
3. If the county agency determines that a child, any member of the child's family or the child's guardian or legal custodian is in need of services, the county agency shall offer to provide appropriate services or to make arrangements for the provision of services. If the child's parent, guardian or legal custodian refuses to accept the services, the county agency may request that a petition be filed under s. 48.13 alleging that the child who is the subject of the report or any other child in the home is in need of protection or services.
4. The county agency shall determine, within 60 days after receipt of a report, whether abuse or neglect has occurred or is likely to occur. The determination shall be based on a preponderance of the evidence produced by the investigation. A determination that abuse or neglect has occurred may not be based solely on the fact that the child's parent, guardian or legal custodian in good faith selects and relies on prayer or other religious means for treatment of disease or for remedial care of the child. In making a determination that emotional damage has occurred, the county agency shall give due regard to the culture of the subjects and shall establish that the person alleged to be responsible for the emotional damage is unwilling to remedy the harm. This subdivision does not prohibit a court from ordering medical services for the child if the child's health requires it.
5. The county agency shall maintain a record of its actions in connection with each report it receives. The record shall include a description of the services provided to any child and to the parents, guardian or legal custodian of the child. The county agency shall update the record every 6 months until the case is closed.
6. The county agency shall, within 60 days after it receives a report from a person required under sub.(2) to report, inform the reporter what action, if any, was taken to protect the health and welfare of the child who is the subject of the report.
7. The county agency shall cooperate with law enforcement officials, courts of competent jurisdiction, tribal governments and other human service agencies to prevent, identify and treat child abuse and neglect. The county agency shall coordinate the development and provision of services to abused and neglected children and to families where abuse or neglect has occurred or to children and families where circumstances justify a belief that abuse or neglect will occur.
8. Using the format prescribed by the department, each county agency shall provide the department with information about each report it receives and about each investigation it conducts. This information shall be used by the department to monitor services provided by county agencies. The department shall use nonidentifying information to maintain statewide statistics on child abuse and neglect, and for planning and policy development.

(d) Independent investigation.
If an agent or employe of a county agency required to investigate under this subsection is the subject of a report, or if the county agency determines that, because of the relationship between the county agency and the subject of a report, there is a substantial probability that the county agency would not conduct an unbiased investigation, it shall, after taking any action necessary to protect the child, notify the department. Upon receipt of the notice, the department or an agency designated by it shall conduct an independent investigation. If the department designates a county agency or board established under s. 51.42 or 51.437, that agency or board shall conduct the independent investigation. If a licensed child welfare agency agrees to conduct the independent investigation, the department may designate that agency to do so. The powers and duties of the department or other agency making an independent investigation are those given to county agencies under sub.(3)(c). In this paragraph, "agent" includes, but is not limited to, a foster parent or other person given custody of the child or a human service professional of a community board established under s. 46.23, 51.42 or 51.437, if the professional is working with the child under contract with or under the supervision of the county agency.

(4) IMMUNITY FROM LIABILITY.
Any person or institution participating in good faith in the making of a report, conducting an investigation, ordering or taking of photographs or ordering or performing medial examinations of a child under this section shall have immunity from any liability, civil or criminal, that results by reason of the action. For the purpose of any proceeding, civil or criminal, the good faith of any person reporting under this section shall be presumed. The immunity provided under this subsection does not apply to liability for abusing or neglecting a child.

(5) CORONER'S REPORT.
Any person or official required to report cases of suspected child abuse or neglect who has reasonable cause to suspect that a child died as a result of child abuse or neglect shall report the fact to the appropriate medical examiner or coroner. The medical examiner or coroner shall accept the report for investigation and shall report the findings to the appropriate district attorney, the department, the county agency and, if the institution making the report initially is a hospital, to the hospital.

(6) PENALTY.
Whoever intentionally violates this section by failure to report as required may be fined not more than $1,000 or imprisoned not more than 6 months or both.

(7) CONFIDENTIALITY.
(a) All reports and records made under this section and maintained by the department, county agencies and other persons, officials and institutions shall be confidential. Reports and records may be disclosed only to the following persons:
1. The subject of a report, except that the person or agency maintaining the record or report may not disclose any information that would identify the reporter.
2. Appropriate staff of the department or a county agency.
3. An attending physician for purposes of diagnosis and treatment.
4. A child's foster parent or other person having custody of the child, except that the person or agency maintaining the record or report may not disclose any information that would identify the reporter.
5. A professional employe of a community board established under s. 46.23, 51.42 or 51.437 who is working with the child under contract with or under the supervision of the county agency.
6. A multidisciplinary child abuse and neglect team recognized by the county agency.

7. Another county agency currently investigating a report of suspected or threatened child abuse or neglect involving the subject of the record or report.
8. A law enforcement officer or agency for purposes of investigation or prosecution.
9. A court or administrative agency for use in a proceeding relating to the licensing or regulation of a facility regulated under this chapter.
10. A court conducting proceedings related to a petition under s. 48.13 or a court conducting dispositional proceedings under subch. VI in which abuse or neglect of the child who is the subject of the report or record is an issue.
11. The county corporation counsel or district attorney representing the interests of the public in proceedings under subd. 10.
12. A person engaged in bona fide research, with the permission of the department. Information identifying subjects and reporters may not be disclosed to the researcher.
13. The department, a county agency or licensed child welfare agency ordered to conduct a screening or an investigation of a stepparent under s. 48.88(2)(c).
14. A grand jury if it determines that access to specified records is necessary for the conduct of its official business.

(b) Notwithstanding par. (a), either parent of a child may authorize the disclosure of a record for use in a child custody proceeding under s. 767.24 when the child has been the subject of a report. Any information that would identify a reporter shall be deleted before disclosure of a record under this paragraph.

(c) Notwithstanding par. (a), the subject of a report may authorize the disclosure of a record to the subject's attorney. The authorization shall be in writing. Any information that would identify a reporter shall be deleted before disclosure of a record under this paragraph.

(d) The department may have access to any report or record maintained by county agency under this section.

(e) A person to whom a report or record is disclosed under this subsection may not further disclose it, except to the persons and for the purposes specified in this section.

(f) Any person who violates this subsection or who permits or encourages the unauthorized dissemination or use of information contained in reports and records made under this section, may be fined not more than $1,000 or imprisoned not more than 6 months or both.

(8) EDUCATION, TRAINING AND PROGRAM DEVELOPMENT AND COORDINATION.

(a) The department and county agencies to the extent feasible shall conduct continuing education and training programs for state and county department staff, persons and officials required to report, the general public and others as appropriate. The programs shall be designed to encourage reporting of child abuse and neglect, to encourage self-reporting and voluntary acceptance of services and to improve communication, cooperation and coordination among all agencies in the identification, prevention and treatment of child abuse and neglect. The department and county agencies shall develop public information programs about child abuse and neglect.

(b) The department shall to the extent feasible ensure that there are available in the state administrative procedures, personnel trained in child abuse and neglect, multidisciplinary programs and operational procedures and capabilities to deal effectively with child abuse and neglect cases. These procedures and capabilities may include, but are not limited to, receipt, investigation and verification of reports; determination of treatment or ameliorative social services; or referral to the appropriate court.

(c) In meeting its responsibilities under par. (a) or (b), the department or a county agency may contract with any public or private organization which meets the standards set by the department. In entering into the contracts the

department or county agency shall give priority to parental organizations combating child abuse and neglect.

(d) 1. Each county agency staff member and supervisor whose responsibilities include investigation or treatment of child abuse and neglect shall successfully complete training in child abuse and neglect protective services approved by the department. The department shall monitor compliance with this subdivision according to rules promulgated by the department.

2. Each year the department shall make available training programs that permit intake workers and county agency staff members and supervisors to satisfy the requirements under subd. 1 and s. 48.06 (1) (am) 2 and (2)(c).

(9) ANNUAL REPORTS.

No later than October 1 of each year the department shall prepare and transmit to the governor and the legislature a report on the status of child abuse and neglect programs. The report shall include a full statistical analysis of the child abuse and neglect reports made through the last calendar year, an evaluation of services offered under this section and their effectiveness, and recommendations for additional legislative and other action to fulfill the purpose of this section. The department shall provide statistical breakdowns by county, if requested by a county.

Chapter 939.22 Words and phrases defined.

In chs. 939 to 948, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction:

(14) "Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

(24) "Place of prostitution" means any place where a person habitually engages, in public or in private, in nonmarital acts of sexual intercourse, sexual gratification involving the sex organ of one person and the mouth or anus of another, masturbation or sexual contact for any thing of value.

Chapter 940 Crimes Against Life and Bodily Security

940.201 Abuse of children. Whoever tortures a child or subjects a child to cruel maltreatment, including, but not limited, to severe bruising, lacerations, fractured bones, burns, internal injuries or any injury constituting great bodily harm under s. 939.22 (14), is guilty of a Class E felony. In this section, "child" means a person under 16 years of age.

History: 1977 c. 173.355.

Section is not unconstitutionally vague or overly broad. State v. Killory, 73 W (2d) 400, 243 NW (2d) 475.

Physical injury is not an element of crime of cruel maltreatment. State v. Campbell, 102 W (2d) 243, 306 NW (2d) 272 (Ct. App. 1981).

Court could not exempt 10 year old victim from obligation to testify because of possible emotional harm. State v. Gilbert, 109 W (2d) 501, 326 NW (2d) 744 (1982).

See note to Art I, sec. 11, citing State v. Boggess, 115 W (2d) 443, 340 NW (2d) 516 (1983).

940.203 Sexual exploitation of children. (1) No person may knowingly employ, use, persuade, induce, entice or coerce any child to engage in sexually explicit conduct for the purpose of photographing, filming, videotaping, recording the sounds of or displaying in any way the conduct.

(2) No person may photograph, film, videotape, record the sounds of or display in any way a child engaged in sexually explicit conduct.

(3) No parent, legal guardian or other person exercising temporary or permanent control of a child may knowingly permit the child to engage in sexually explicit conduct which is filmed, photographed, videotaped, recorded for sound or displayed in any way.

(4) No person may knowingly produce, perform in, profit from, promote, import, reproduce, advertise, sell, distribute, or possess with intent to sell or distribute, any undeveloped film, photographic negative, photograph, motion picture, videotape, sound recording or other reproduction of a child engaging in sexually explicit conduct.

(5) Whoever violates this section is guilty of a Class C felony.

(6) In this section:

(a) "Child" means any person under the age of 18 years.

(b) "Sexually explicit conduct" means actual or simulated:

1. Sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex;

2. Bestiality;

3. Masturbation;

4. Sexual sadism or sexual masochistic abuse, including but not limited to, flagellation, torture or bondage; or

5. Lewd exhibition of the genitals or pubic area of any person.

History: 1977 c. 356.

940.21 Mayhem. Whoever, with intent to disable or disfigure another, cuts or mutilates the tongue, eye, ear, nose, lip, limb or other bodily member of another, is guilty of a Class B felony.

History: 1977 c. 173.

Injury by conduct regardless of life (940.23) and endangering safety by conduct regardless of life (941.30) can be lesser included offenses of mayhem. Kirby v. State, 86 W (2d) 292.272 NW (2d) 113 (Ct. App. 1978).

940.22 Sexual exploitation by therapist. (1) In this section:

(a) "Physician" has the meaning designated in s. 448.01 (5).

(b) "Psychologist" means a person who practices psychology, as described in s. 455.01 (5).

(c) "Psychotherapy" has the meaning designated in s. 455.01 (6).

(d) "Sexual contact" has the meaning designated in s. 940.225 (5) (a).

(e) "Therapist" means a physician, psychologist, social worker or other person providing psychotherapy services.

(2) Any person who is or who holds himself or herself out to be a therapist and who intentionally has sexual contact with a patient or client during any treatment, consultation, interview or examination is guilty of a Class A misdemeanor.

History: 1983 a. 434.

940.225 Sexual assault. (1) FIRST DEGREE SEXUAL ASSAULT. Whoever does any of the following is guilty of a Class B Felony:

(a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.

(b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.

(c) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use of threat of force or violence.

(d) Has sexual contact or sexual intercourse with a person 12 years of age or younger.

(2) SECOND DEGREE SEXUAL ASSAULT. Whoever does any of the following is guilty of a Class C felony:

(a) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

(b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.

(c) Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition.

(d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.

(e) Has sexual contact or sexual intercourse with a person who is over the age of 12 years and under the age of 16 years.

(3) THIRD DEGREE SEXUAL ASSAULT. Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class D felony.

(3m) FOURTH DEGREE SEXUAL ASSAULT. Whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

(4) CONSENT. "Consent", as used in this section, means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. Consent is not an issue in alleged violations of subs. (1) (d) and (2) (c), (d) and (e). The following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence, subject to the provisions of s. 972.11 (2):

(b) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct.

(c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(5) DEFINITIONS. In this section:

(a) "Sexual contact" means any intentional touching by the complainant or defendant, either directly or through clothing by the use of any body part or object, of the complainant's or defendant's intimate parts if that intentional touching is either for the purpose of sexually degrading; or for the purpose of sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted battery under s. 940.19 (1).

(b) "Sexual intercourse" includes the meaning assigned under s. 939.22 (36) as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required.

(6) MARRIAGE NOT A BAR TO PROSECUTION. A defendant shall not be presumed to be incapable of violating this section because of marriage to the complainant.

History: 1975 c. 1984, 421; 1977 c. 173; 1979 c. 24, 25, 175, 221; 1981 c. 89, 308, 309, 310, 311.

Legislative Council Note, 1981: Presently, [in sub. (5) (a)] the definition of "sexual intercourse" in the sexual assault statute includes any intrusion of any part of a person's body or of any object into the genital or anal opening of another person. This proposal clarifies that the intrusion of the body part or object may be caused by the direct act of the offender (defendant) or may occur as a result of an act by the victim which is done in compliance with instructions of the offender (defendant). [Bill 630-S]

Failure to resist is not consent under (4). State v. Clark, 87 W (2d) 804, 275 NW (2d) 715 (1979).

Injury by conduct regardless of life is not a lesser-included crime of first-degree sexual assault. Hagenkord v. State, 94 W (2d) 250, 287 NW (2d) 834 (Ct. App. 1979).

Multiplicitous sexual assault charges discussed. State v. Eisch, 96 W (2d) 25, 291 NW (2d) 800 (1980).

Trial court did not err in denying accused's motions to compel psychiatric examination of victim and to discover victim's past addresses. State v. Lederer, 99 W (2d) 430, 299 NW (2d) 457 (Ct. App. 1980).

See note to Art. I, sec. 5, citing State v. Baldwin, 101 W (2d) 441, 304 NW (2d) 742 (1981).

Age classifications under this section may be open to question. State v. Cuyler, 110 W (2d) 133, 327 NW (2d) 662 (1983).

See note to Art. I, sec. 5, citing State v. Lomagro, 113 W (2d) 582, 335 NW (2d) 583 (1983).

Conviction on 2 counts of rape, where offenses occurred 25 minutes apart in same location, did not violate double jeopardy provisions of U.S. Constitution. Harrell v. Israel, 478 F Supp. 752 (1979).

Conviction for attempted first degree sexual assault based on circumstantial evidence did not deny due process. Upshaw v. Powell, 478 F Supp. 1264 (1979).

940.28 Abandonment of young child. Whoever, with intent to abandon the child, leaves any child under the age of 6 years in a place where the child may suffer because of neglect is guilty of a Class D felony.

History: 1977 c. 173.

940.29 Abuse of residents of facilities. Any person in charge of or employed in any of the following facilities who abuses, neglects or ill-treats any person confined in or a resident of any such facility or who knowingly permits another person to do so is guilty of a Class E felony:

(1) A penal or correctional institution or other place of confinement; or

(2) A home for the aged; or

(3) A hospital for the mentally ill; or

(4) A school or institution for the mentally deficient; or

(5) A state school for the blind or deaf; or

(6) An institution operated by a licensed child welfare agency or by a public agency for the care of neglected, dependent, or delinquent children; or

(7) A nursing home as defined in s. 50.01 (3).

(8) A community-based residential facility as defined in s. 50.01 (1).

History: 1975 c. 119; 1975 c. 413 s. 18; 1977 c. 173; 1979 c. 124; 1981 c. 20.

940.305 Taking hostages. Whoever by force or threat of imminent force seizes, confines or restrains a person without the person's consent and with the intent to use the person as a hostage in order to influence a person to perform or not to perform some action demanded by the actor is guilty of a Class A felony; but if each person who is held as a hostage is released without bodily harm prior to the time of the defendant's arrest, the defendant is guilty of a Class B felony.

History: 1979 c. 118.

940.31 Kidnapping. (1) Whoever does any of the following is guilty of a Class B felony:

(a) By force or threat of imminent force carries another from one place to another without

his consent and with intent to cause him to be secretly confined or imprisoned or to be carried out of this state or to be held to service against his will; or

(b) By force or threat of imminent force seizes or confines another without his consent and with intent to cause him to be secretly confined or imprisoned or to be carried out of this state or to be held to service against his will; or

(c) By deceit induces another to go from one place to another with intent to cause him to be secretly confined or imprisoned or to be carried out of this state or to be held to service against his will.

(2) Whoever violates sub. (1) with intent to cause another to transfer property in order to obtain the release of the victim is guilty of a Class A felony; but if the victim is released without permanent physical injury prior to the time the first witness is sworn at the trial the defendant is guilty of a Class B felony.

History: 1977 c. 173.

Conviction under (1)(c) does not require proof of express or implied misrepresentations. State v. Dalton, 98 W (2d) 725, 298 NW (2d) 398 (Ct. App. 1980).

940.32 Abduction. Whoever, for any unlawful or immoral purpose, does any of the following is guilty of a Class C felony:

(1) By force or threat of imminent force, takes any child under 18 years of age from his home or the custody of his parent or guardian; or

(2) Entices any child under 18 years of age from his home or the custody of his parent or guardian; or

(3) By force or threat of imminent force, detains any child under 18 years of age who is away from his home or the custody of his parent or guardian.

History: 1977 c. 173.

Cross Reference: See also 946.715 regarding interference by parent with parental rights of other parent.

940.34 Duty to aid endangered crime victim. (1) Whoever violates sub. (2) is guilty of a Class C misdemeanor.

(2) Any person who knows that a crime is being committed and that victim is exposed to bodily harm shall summon law enforcement officers or other assistance or shall provide assistance to the victim. A person need not comply with this subsection if any of the following apply:

(a) Compliance would place him or her in danger.

(b) Compliance would interfere with duties the person owes to others.

(c) Assistance is being summoned or provided by others.

(3) If a person renders emergency care for a victim, s. 895.48 applies. Any person who provides other reasonable assistance under this section is immune from civil liability for his or her acts or omissions in providing the assistance. This immunity does not apply if the person receives or expects to receive compensation for providing the assistance.

History: 1983 a. 198.

Chapter 944 Crimes Against Sexual Morality

LEGISLATIVE INTENT

944.01 Intent. The state recognizes that it has a duty to encourage high moral standards. Although the state does not regulate the private sexual activity of consenting adults, the state does not condone or encourage any form of sexual conduct outside the institution of marriage. Marriage is the foundation of family and society. Its stability is basic to morality and civilization, and of vital interest to society and this state.

History: 1983 a. 17.

SEXUAL CRIMES WHICH AFFECT THE FAMILY.

944.06 Incest. Whoever marries or has nonmarital sexual intercourse with a person he or she knows is a blood relative and such relative is in fact related in a degree within which the marriage of the parties is prohibited by the law of this state is guilty of a Class C felony.

History: 1977 c. 173.

SEXUAL CRIMES WHICH INVOLVE CHILDREN.

944.12 Enticing a child for immoral purposes. Any person 18 years of age or over, who, with intent to commit a crime against sexual morality, persuades or entices any child under 18 years of age into any vehicle, building, room or secluded place is guilty of a Class C felony.

History: 1977 c. 173.

See note to 904.04, citing State v. Tarrell, 74 W (2d) 647, 247 NW (2d) 696.

"Crime against sexual morality" is not limited to acts prohibited by this chapter. State v. Morrow, 95 W (2d) 595, 291 NW (2d) 298 (Ct. App. 1980).

FORNICATION; ADULTERY; GRATIFICATION.

944.15 Fornication. **(1)** In this section, "in public" means in a place where or in a manner such that the person knows or has reason to know that his or her conduct is observable by or in the presence of persons other than the person with whom he or she is having sexual intercourse.

(2) Whoever has sexual intercourse in public or whoever has sexual intercourse with a minor who is 16 years old or older but younger than 18 years old and who is not his or her spouse is guilty of a Class A misdemeanor.

History: 1977 c. 173; 1983 a. 17, 27.

944.17 Sexual gratification. **(1)** In this section, "in public" means in a place where or in a manner such that the person knows or has reason to know that his or her conduct is observable by or in the presence of persons other than the person with whom he or she is having sexual gratification.

(2) Whoever does any of the following is guilty of a Class A misdemeanor:

(a) Commits an act of sexual gratification in public involving the sex organ or one person and the mouth or anus of another.

(b) Commits an act of sexual gratification with a minor who is 16 years old or older but younger than 18 years old and who is not his or her spouse, involving the sex organ of one person and the mouth or anus of another.

(c) Commits an act of sexual gratification involving his or her sex organ and the sex organ, mouth or anus of an animal.

(d) Commits an act of sexual gratification involving his or her sex organ, mouth or anus and the sex organ of an animal.

History: 1977 c. 173; 1983 a. 17.

S. 944.17 (1), 1965 stats., is not unconstitutionally vague or overbroad. Jones v. State, 55 W (2d) 742, 200 NW (2d) 587.

944.25 Exposing minors to harmful materials. (1) DEFINITIONS. In this section:

(a) ""harmful material" means:

1. Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse, and which is harmful to minors, or

2. Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in subd. 1, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse, and which, taken as a whole, is harmful to minors.

(b) "Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:

1. Predominantly appeals to the prurient, shameful or morbid interest of minors; and

2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable materials for minors; and

3. Is utterly without redeeming social importance for minors.

(c) "Knowledge of the minor's age" means:

1. Knowledge or information that the person is a minor, or

2. Reason to know, or a belief or ground for belief which warrants further inspection or inquiry of the age of the minor.

(d) "Knowledge of the nature of the material" means:

1. Knowledge of the character and content of any material described herein, or

2. Knowledge or information that the material described herein has been adjudged to be harmful to minors in a proceeding instituted under sub. (2) or (10), or is the subject of a pending proceeding instituted under sub. (2) or (10).

(e) "Minor" means any person under the age of 18 years.

(f) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

(g) "Person" means any individual, partnership, firm, association, corporation or other legal entity.

(h) "Sadomasochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(i) "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed

genitals, pubic area, buttocks or, if such person is a female, breast.

(j) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(2) COMMENCEMENT OF CIVIL PROCEEDING. Whenever the attorney general or a district attorney has reasonable cause to believe that any person is engaged in selling or exhibiting harmful material to minors, or may become engaged in selling or exhibiting harmful material to minors, the attorney general or the district attorney for the county in which such material is offered for sale or exhibition shall institute an action in the circuit court for that county for adjudication of the question of whether such material is harmful to minors.

(3) FILING AND FORM OF COMPLAINT. The action under sub. (2) shall be commenced by the filing of a complaint to which shall be attached as an exhibit a true copy of the allegedly harmful material. The complaint shall:

(a) Be directed against such material by name or description;

(b) Allege that such material is harmful to minors;

(c) Designate as respondents and list the names and addresses, if known, of any person in this state preparing, selling or commercially distributing or exhibiting such material to minors, or giving away or offering to give away such material to minors, or possessing such material with the apparent intent to sell or commercially distribute or give away or offer to give away such material to minors;

(d) Seek an adjudication that such material is harmful to minors; and

(e) Seek a permanent injunction against any respondent prohibiting him from selling, commercially distributing or exhibiting or giving away such material to minors or from permitting minors to inspect such material.

(4) EXAMINATION BY THE COURT. (a) Upon the filing of the complaint described in sub. (3), the attorney general or the district attorney shall present the same, together with the material attached thereto, as soon as practicable to the court for its examination and reading.

(b) If after such examination and reading the court finds no probable cause to believe such material to be harmful to minors, the court shall cause an endorsement to that effect to be placed and dated upon the complaint and shall thereupon dismiss the action.

(c) If after such examination and reading the court finds probable cause to believe such material to be harmful to minors, the court shall cause an endorsement to that effect to be placed and dated upon the complaint whereupon it shall be the responsibility of the attorney general or the district attorney, promptly to request the clerk of the court to issue summons and to copy such endorsement upon such number of duplicates of such complaint as are needed for the service of summons, to each copy of which summons shall be attached a copy of such complaint as so endorsed. Service of such summons and endorsed complaint shall be made upon the respondents thereto in any manner provided by law.

(5) APPEARANCE, ANSWER AND TRIAL DATE. (a) On or before the return date specified in the summons issued under sub. (4), or within 15 days after receiving notice of the issuance of such summons, the author, publisher or any person interested in sending or causing to be sent, bringing or causing to be brought, into this state for sale or commercial distribution or exhibition, or any person in this state preparing, selling, exhibiting or commercially distributing, or possessing with intent to sell or commercially distribute or exhibit, the material exhibited to the endorsed complaint, may appear and may intervene as a respondent and file an answer.

(b) If, after service of summons has been effected upon all respondents, no person appears and files an answer on or before the return date specified in the summons, the court may forthwith adjudge whether the material so exhibited to the endorsed complaint is harmful to minors and enter an appropriate final judgment.

(c) Upon the expiration of the time for filing answers by all respondents, the court shall, upon its own motion, or upon the application of any party who has appeared and filed an answer, set a date for the trial of the issues joined.

(6) PUBLIC POLICY, PROCEDURE AND EVIDENCE. (a) The public policy of this state requires that all proceedings prescribed in this section, other than criminal actions under sub. (10), be heard and disposed of with the maximum promptness and dispatch commensurate with constitutional requirements, including due process, freedom of the press and freedom of speech. The rules of civil procedure pertaining to equity cases shall be applicable, except as hereinafter provided, to the trial the issues framed by the complaint and answers.

(b) Every person appearing and answering shall be entitled, upon request, to a trial of any issue with an advisory jury and the court, with the consent of all parties, may order a trial of any issue with a jury whose verdict shall have the same effect as in cases at law.

(7) JUDGMENT. If the court or jury finds the material exhibited to the complaint not to be harmful to minors, the court shall enter judgment accordingly and shall dismiss the complaint. If the court or jury finds the material exhibited to the complaint to be harmful to minors, the court shall enter judgment to such effect and may, in such judgment or in subsequent orders of enforcement thereof, enter a permanent injunction against any respondent prohibiting him from selling, commercially distributing or giving away such material to minors or from permitting minors to inspect such material.

(8) INJUNCTIONS. (a) In any action in which an injunction is sought under this section, any respondent named in the complaint, or any person who becomes a respondent by virtue of intervention under sub. (5), shall be entitled to a trial of the issues within one day after joinder of issue, and a decision shall be rendered by the court or jury within 2 days of the conclusion of the trial. If the issues are being tried before a jury and the jury is not able to render a decision within 2 days of the conclusion of the trial, then notwithstanding any other provision of this section, the jury shall be dismissed and a decision shall be rendered by the court within 2 days of the conclusion of the trial.

(b) No preliminary injunction shall be issued without at least 2 days' notice to the respondents.

(c) If the court, under sub. (4), finds probable cause to believe the exhibited material to be harmful to minors, and so endorses the complaint, the court may, upon the motion of the attorney general or the district attorney, issue a temporary restraining order against any respondent prohibiting him or her from selling, commercially distributing or exhibiting or giving away the material to minors or from permitting minors to inspect the material. No temporary restraining order may be granted without notice to the respondents unless it clearly appears from specific facts shown by affidavit or by the verified complaint that one or more of the respondents are engaged in the sale or exhibition of harmful material to minors and that immediate and irreparable injury to the morals and general welfare of minors in this state will result before notice can be served and a hearing had thereon. Every temporary restraining order shall be endorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered of record; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its own terms within such time after entry, not to exceed 3 days, as the court fixes unless within the time so fixed the respondent against whom the order is directed consents that it may be extended for a longer period. If a restraining order is granted without notice, a motion for a preliminary injunction shall be set down for hearing within 2 days after the granting of the order and shall be given preference. When the motion comes on for hearing, the attorney general or the district attorney shall proceed with the application for a preliminary injunction and, if he or she does not do so, the court shall dissolve the temporary restraining order.

(9) CONTEMPT. Any respondent, or any officer, agent, servant, employe or attorney of such respondent, or any person in active concert or participation by contract or arrangement with such respondent, who receives actual notice, by personal service or otherwise, of any injunction or restraining order entered under sub. (7) or (8), and who disobeys any of the provisions thereof, shall be guilty of contempt of court and upon conviction is guilty of a Class A misdemeanor.

(10) CRIMINAL PROVISIONS CONCERNING REGULAR SALES OF HARMFUL MATERIAL TO MINORS. (a) Subject to par. (b), no person with knowledge of the nature of the material, and with knowledge of the minor's age, may sell, exhibit or loan for monetary consideration to a minor any material which is harmful to minors. Upon conviction thereof such person is guilty of a Class A misdemeanor.

(b) No criminal proceeding shall be commenced against any person pursuant to par. (a) unless, prior to the sale or loan which is the subject of such proceeding, such person:

1. Had written notice from the attorney general or the district attorney that the material which is the subject of such proceeding has been adjudged harmful to minors under sub. (7) or (10), or

2. Has been subject to an order entered under sub. (7) prohibiting such person from selling, commercially distributing or exhibiting or giving away to minors, or from permitting minors to inspect the harmful material which is the subject of such criminal proceeding, or any other harmful material.

(11) DEFENSES AND EXCEPTIONS. No person shall be guilty of contempt under sub. (9) or shall be subject to prosecution under this section:

(a) For any sale or exhibition to a minor where such person had reasonable cause to believe that the minor involved was 18 years old or more, and such minor exhibited to such person a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor was 18 years old or more;

(b) For any sale or exhibition where a minor is accompanied by a parent or guardian, or accompanied by an adult and such person has no reason to suspect that the adult accompanying the minor is not the minor's parent or guardian;

(c) Where such person is a bona fide school, museum or public library or is acting in his capacity as an employe of such organization or as a retail outlet affiliated with and serving the educational purposes of such organization.

(12) EXTRADITION. If any person is convicted of contempt under sub. (9) or convicted under sub. (10) and cannot be found in this state, the governor or any person performing the functions of governor by authority of the law, shall, unless such person shall have appealed from the judgment of contempt or conviction and such appeal has not been finally determined, demand his extradition from the executive authority of the state in which such person is found.

History: 1971 c. 40; 1973 c. 12; 1977 c. 173; 1983 a. 189, 219.

Constitutionality of a bill prohibiting dissemination of obscene materials to minors discussed. 58 Atty. Gen. 214, 230.

See note to Art. I, sec. 3, citing New York v. Ferber, 458 US 747 (1982).

PROSTITUTION.

944.30 Prostitution. Any person who intentionally does any of the following is guilty of a Class A misdemeanor:

(2) Commits or offers to commit or requests to commit an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another for any thing of value.

944.31 Patronizing prostitutes. Any person who enters or remains in any place of prostitution with intent to have nonmarital sexual intercourse or to commit an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another, masturbation or sexual contact with a prostitute is guilty of a Class A misdemeanor.

History: 1977 c. 173; 1979 c. 221; 1983 a. 17.

944.32 Soliciting prostitutes. Whoever intentionally solicits or causes any person to practice prostitution or establishes any person in a place of prostitution is guilty of a Class D felony. If the person is under the age of 18, the defendant is guilty of a Class C felony.

History: 1977 c. 173.

This section is not unconstitutionally vague or overbroad and its penalty is not disproportionate. State v. Johnson, 108 W (2d) 703, 324 NW (2d) 447 (Ct. App. 1982).

944.33 Pandering. (1) Whoever does any of the following is guilty of a Class A misdemeanor:

(a) Solicits another to have nonmarital sexual intercourse or to commit an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another, masturbation or sexual contact with a person the solicitor knows is a prostitute; or

(b) With intent to facilitate another in having nonmarital intercourse or committing an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another, masturbation or sexual contact with a prostitute, directs or transports the person to a prostitute or directs or transports a prostitute to the person.

(2) If the person received compensation from the earnings of the prostitute, such person is guilty of a Class C felony.

(3) In a prosecution under this section, it is competent for the state to prove other similar acts by the accused for the purpose of showing his intent and disposition.

History: 1977 c. 173; 1979 c. 221, 355; 1983 a. 17.

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Agency	*Contact Person/Telephone*	*Address*

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